

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING

April 2, 2019  
Ganado, Arizona

Present were: Chairman Joe Shirley, Jr., Vice Chairman Travis Simshauser and Supervisor Alton Shepherd. Also present, County Manager/Clerk of the Board Ryan Patterson and County Attorney Michael Whiting.

Chairman Shirley called to order the Board of Supervisors meeting at 8:32 a.m. MST at the Ganado Road Yard Conference Room, Highway 264 Mile Marker 446.8 in Ganado, Arizona and welcomed all in attendance.

Leilani Moore gave the invocation.

Heather Curtis led the Pledge of Allegiance.

Chairman Shirley called for the Public Health Services District items.

Keli Sine-Shields, Assistant Health Director, requested approval of an Intergovernmental Agreement (Contract CTR042947) for Epidemiology and Laboratory Capacity - Zika, effective March 7, 2019 in the amount of \$20,000. Mrs. Sine-Shields stated this grant will involve conducting arboviral case investigations, mosquito surveillance and control, and improve awareness within the community. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous

Keli Sine-Shields, Assistant Health Director, presented the item following a possible executive session for legal advice pursuant to A.R.S. §38-431.03 (A)(3), discussion and possible acceptance of settlement offer for the work performed to demolish and remove debris from 17 dilapidated structures on parcel number 103-13-005B owned by Larry D. Spector. Mr. Patterson stated he did not believe an executive session was needed. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Simshauser asked County Attorney Whiting if he had reviewed the settlement. Mr. Whiting stated yes. Vote was unanimous.

**Mr. Shepherd moved to adjourn the Health District meeting, seconded by Mr. Simshauser.** Vote was unanimous.

Chairman Shirley called for the Jail District item.

Chief Deputy Sheriff Brannon Eagar, requested approval of an Intergovernmental Agreement with the White Mountain Apache Tribe to house inmates in the jail facility. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

**Mr. Simshauser moved to adjourn the Jail District meeting, seconded by Mr. Shepherd.** Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Michael Whiting, County Attorney, presented the item following a public hearing for discussion and possible approval of Apache County Attorney Diversion Program Fee Schedule, pursuant to A.R.S. §11-251.08. Mr. Simshauser moved to open the public hearing, seconded by Mr. Shepherd. Vote was unanimous. Trudy Balcom, with the White Mountain Independent asked for an over view of the program. Mr. Whiting provided an explanation of the program and the proposed fees and what the fees are used for. Chief Deputy Brannon Eagar asked where the fees can be seen. Mr. Whiting provided an overview on the process of the public record requests. Trudy Balcolm and Mr. Whiting held a discussion on the cost savings when the diversion program is utilized. There was no one else wanting to address the Board during the public hearing. **Mr. Shepherd moved to close the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. **Mr. Shepherd moved approval of the Apache County Attorney Diversion Program Fee Schedule, seconded by Mr. Simshauser.** Vote was unanimous.

#### **Apache County Diversion Program Fee Schedule**

All Participants eligible for Diversion in the Apache County Diversion Program shall be required to pay a diversion fee to offset the costs of the Program. Specific terms of participation and Fee amount will be determined by the discretion of the Prosecutor through negotiations with Participant or Participant's defense attorney, but shall fall within the following ranges:

1. Felony Diversion:
  - a. All Felony Diversions: \$500 to \$1500
2. Misdemeanor Diversion:
  - a. All Misdemeanor Diversions: \$200 to \$1000
3. Trucking Diversion:
  - a. Parking: Up to \$1000
  - b. Vehicle Weight: Up to 85% of the total fine allotted
  - c. Vehicle Defect: Up to \$1000
4. Notwithstanding the foregoing, fees shall be attributable to defray or cover the expense of the Program services for which the fee is assessed. The fees shall not exceed the actual cost of the Program product or service.

Mr. Patterson presented the Consent Items A-F and recommended approval. Mr. Simshauser requested Item 2-C of the consent agenda be removed for a separate discussion and consideration. Chairman Shirley removed 2-C from the consent for separate consideration.

**Mr. Shepherd moved to approve all Consent items except for 2-C, seconded by Mr. Simshauser.** County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between March 12, 2019 and April 2, 2019. PayeeAmount STAN'S DIESEL AND PERFORMANCE 1,097.45 APACHE COUNTY HSA 3,479.57 APACHE COUNTY MEDICAL 166,351.98 APACHE COUNTY TAX WITHHOLDING 145,513.82 ASRS LEGACY EORP 5,933.16 AZ STATE RETIREMENT

SYSTEM 109,727.33 COLONIAL LIFE AND ACCIDENT INS 1,448.95 CORRECTIONS  
OFFICER RET PLAN 9,288.82 CORRECTIONS OFFICER RETIREMENT PLAN 520  
5,520.33 EORP LEGACY 2,723.78 NATIONWIDE 2,312.60 NATIONWIDE TRUST FSB  
3,301.42 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET  
44,167.41 SUPPORT PAYMENT CLEARINGHOUSE 1,606.39 AMAZON CAPITAL  
SERVICES INC (IT DEPT) 2,160.75 AMERIGAS – GALLUP 2,323.35 ARIZONA CDJR  
SHOW LOW 3,119.04 AZ EMERGENCY PRODUCTS 5,153.19 AZLGEBT 332,056.38  
CONSOLIDATED ELECTRICAL DISTRIBUTORS 4,140.14 CONTINUANT INC 1,015.20  
CS&S COMPUTER SYSTEMS 9,300.00 CUSTOM CHALLENGE COINS.COM  
1,188.00 EIGHTYNINE A LLC 1,043.00 ETR ASSOCIATES 1,451.52 FLEET PRIDE  
2,784.26 GALLUP BLUEPRINT 1,782.70 HILLYARD/FLAGSTAFF 2,982.21 INGRAM  
LIBRARY SERVICES 2,353.19 KATHLEEN M MCGUIRE PSY D LLC 1,742.50 NATIONS  
GAS TECHNOLOGIES INC 1,088.57 NEWMAN SIGNS INC 4,296.78 OVERDRIVE INC  
1,535.97 PFIZER INC 1,764.62 PHOENIX FORENSIC PSYCHOLOGICAL SERVICES INC  
5,000.00 PREMIUM PROPANE LLC 1,110.04 QUILL CORP 2,174.58 RHINEHART OIL CO  
35,155.93 SAFELITE AUTO GLASS 1,105.43 SECURUS TECHNOLOGIES INC  
1,280.54 ST JOHNS CITY 1,033.25 SW ECOLOGY LLC 1,468.26 THE AARONS  
COMPANY LLC 3,000.00 THE CENTER FOR BREASTFEEDING 1,540.00 TRINITY  
SERVICES GROUP INC 17,541.70 VALLEY AUTO PARTS 5,049.32 VERIZON  
WIRELESS 1,567.55 WESTERN CONSTRUCTON COMPONENTS INC  
29,040.00 WHITE MOUNTAIN RADIOLOGY 1,080.84 WRIGHT EXPRESS FSC  
2,588.28 YOUNGS FUTURE TIRE 1,104.80 NATIONAL BANK 1,530.76 NATIONAL BANK  
OF ARIZONA 1389 1,208.22 NATIONAL BANK OF ARIZONA 0085 2,552.72 NATIONAL  
BANK OF ARIZONA 0285 1,004.78 SOUTHWEST PROMOTIONAL SOLUTIONS  
1,188.00 ALL AROUND CLEAN UP 2,500.00 AMAZON CAPITAL SERVICES INC (IT  
DEPT) 1,801.54 ARIZONA HIGHWAY SAFETY SPECIALIST INC 9,112.95 AZ SUPREME  
COURT 1,517.50 AZ SUPREME COURT 1,500.00 AZ SUPREME COURT 20,250.00 AZ  
SUPREME COURT 1,040.00 BEGAY, MARLEITA 1,005.89 BREWER LAW OFFICE PLLC  
8,500.00 CATERPILLAR FINANCIAL SERVICES CORPORATION 34,717.46 CELLULAR  
ONE NE AZ 1,056.92 DESERT VIEW FUNERAL HOME LLC 11,089.50 EMPIRE  
MACHINERY 7,837.23 FLEET PRIDE 2,274.51 FRONTIER 1,827.70 GROWMAIL/ONE  
BRAND 2,269.33 HAMBLIN LAW OFFICE PLC 8,500.00 HEAP, KLINT 1,389.01 HIGH  
COUNTRY PROPANE 1,864.48 IKARD & NEWSOM 1,457.74 ITSECUREONE 4,650.26  
LEGATE, PENROD & ASSOCIATES 8,500.00 NATIONAL BUSINESS FURNITURE  
2,625.23 NAVAJO TRIBAL UTILITY AUTHORITY 1,170.95 NAVOPACHE ELECTRIC  
COOPERATIVE 8,194.92 PATTERSON, DANA BRYCE 8,500.00 PITNEY BOWES 3,761.73  
QUILL CORP 2,888.82 RHINEHART OIL CO 33,790.86 ROAD MACHINERY LLC  
15,678.71 SANOFI PASTEUR INC 2,593.37 SCHIFF, LAURENCE 2,400.00 SECURUS  
TECHNOLOGIES INC 1,344.88 SOURCEHOV EXELA TECHNOLOGIES 1,688.21  
SPRINGVILLE AUTOMOTIVE SERVICE 1,348.51 ST JOHNS CUSTOM WORKS INC  
1,434.58 US CORRECTIONS LLC 2,942.55 VERITAS RESEARCH CONSULTING  
3,050.00 WADDELL K9'S LLC 13,004.00 YAZZIE'S AUTO PARTS INC 5,003.05  
YELLOWHORSE, JAY 1,399.92 SANDOVAL, PATRICK J 1,799.17 APACHE COUNTY  
HSA 3,479.57 APACHE COUNTY MEDICAL 168,157.36 APACHE COUNTY TAX  
WITHHOLDING 137,469.54 ASRS LEGACY EORP 5,933.16 AZ STATE RETIREMENT  
SYSTEM 106,623.62 COLONIAL LIFE AND ACCIDENT INS 1,448.95 CORRECTIONS

OFFICER RET PLAN 8,917.72 CORRECTIONS OFFICER RETIREMENT PLAN 520  
5,058.34 EORP LEGACY 2,723.78 NATIONWIDE 2,365.81 NATIONWIDE TRUST FSB  
3,218.08 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET  
40,501.83 SUPPORT PAYMENT CLEARINGHOUSE 1,549.64 AMERIGAS – GALLUP  
3,070.71 ANDERSON, CHARLI A 1,930.26 ANDERSON RESOURCE GROUP INC 2,205.75  
AZ DEPT OF HEALTH SERVICES 1,500.00 AZ SUPREME COURT 2,625.00 BAUMAN  
HOME AND AUTO INC 1,964.14 BLUE HILLS ENVIRONMENTAL 1,602.17 BURNHAM  
MORTUARY 1,000.00 BURNHAM MORTUARY 1,000.00 BUTLER'S OFFICE  
EQUIPMENT & SUPPLY INC 1,134.78 COCHISE SERVICES LLC 2,100.00 CRESCENT  
ELECTRIC SUPPLY CO 1,430.51 DELL COMPUTER CORPORATION 1,710.04 DIAMOND  
DRUGS INC 5,922.74 ELECTION SYSTEMS AND SOFTWARE 33,498.35 EMPIRE  
MACHINERY 11,149.62 FRONTIER 1,223.62 FRONTIER 4,520.71 GOSERCO, INC  
3,849.13 GREER, DARYL 1,230.26 HAMBLIN & ASSOCIATES LLC 1,500.00 HIGH  
COUNTRY PROPANE 1,648.31 HILLYARD/FLAGSTAFF 1,539.34 HILTON GARDEN INN  
PHOENIX AIRPORT NORTH 1,287.78 INGRAM LIBRARY SERVICES 1,509.19  
KTNN RADIO STATION 3,998.32 LATHAM, MICHAEL 2,075.15 MOUNTAIN COMFORT  
HEATING AND COOLING 3,795.75 MOVIE LICENSING USA 1,984.00 NATIONAL  
BUSINESS FURNITURE 5,372.47 NAVAJO TRIBAL UTILITY AUTHORITY 4,141.82  
NAVOPACHE ELECTRIC COOPERATIVE 12,925.49 PACIFIC PONDEROSA CO INC  
3,352.54 QUILL CORP 3,344.83 RHINEHART OIL CO 23,092.55 RIGG LAW FIRM PLLC  
2,458.50 SECURUS TECHNOLOGIES INC 1,598.36 SHI INTERNATIONAL CORP  
149,544.05 SIERRA PROPANE 3,089.73 SKY BLUE HVAC LLC 4,743.00 SW ECOLOGY  
LLC 1,800.00 THOMSON REUTERS WEST 2,740.43 TYLER TECHNOLOGIES INC  
3,524.19 US CORRECTIONS LLC 1,846.65 VALLEY AUTO PARTS 2,713.52  
VERIZON WIRELESS 1,248.55 PITNEY BOWES RESERVE ACCOUNT 5,000.00  
AZ DEPT OF REVENUE 1,085.14 AMAZON CAPITAL SERVICES INC (IT DEPT)  
2,509.63 AZ COURTS ASSN 1,360.00 AZ SUPREME COURT 2,291.00 BROWN'S  
PARTSMASER INC 1,293.15 CDW GOVERNMENT LLC 2,378.50 CELLULAR ONE  
NE AZ 1,085.78 CIVIL & ENVIRONMENTAL CONSULTANTS INC 9,210.67 COCONINO  
COUNTY 1,680.00 EMPIRE MACHINERY 6,224.25 FERRELLGAS 1,123.64 GLAXO  
SMITHKLINE PHARMACY 2,772.00 GMCO CORPORATION 2,000.99 GOLIGHTLY TIRE  
1,444.48 HANCOCK, PAUL 1,243.76 HORNE AUTO CENTER INC 1,606.35 INGRAM  
LIBRARY SERVICES 4,905.07 LOOMIS 1,418.00 MCKESSON MEDICAL SURGICAL  
1,180.08 MOUNTAIN COMFORT HEATING AND COOLING 74,503.76 NAVAJO  
TRIBAL UTILITY AUTHORITY 3,408.72 NAVOPACHE ELECTRIC COOPERATIVE  
4,356.48 NORCHEM DRUG TESTING LABORATORY 1,777.40 PACIFIC PONDEROSA  
CO INC 6,737.80 PIMA COUNTY MEDICAL 4,600.00 QUILL CORP 4,180.68 REDW LLC  
8,500.00 RHINEHART OIL CO 1,720.15 SANOFI PASTEUR INC 1,216.42 SECURUS  
TECHNOLOGIES INC 3,584.20 SW ECOLOGY LLC 1,090.00 TYLER TECHNOLOGIES  
INC 79,344.97 VERIZON WIRELESS 2,914.10 WHITE MOUNTAIN REGIONAL  
MEDICAL CENTER 2,111.00 YOUNGS FUTURE TIRE 2,015.04 WORLD OF TRAVEL  
1,845.15 Demands are payments made, or to be made, by the County. Specific details of the  
demands may be requested through the County public record request process. B. Request  
approval of the minutes dated March 12, 2019. County Attorney: D. Request approval of a  
contract with Sandstone, LLC. Community Development: E. Request approval to waive the  
\$300.00 fee for a temporary Use Permit for Greer Civic Association, a non-profit organization

to hold Greer Days, an annual community event in Greer, June 7-9, 2019. F. Request approval of a Conditional Use Permit to allow Christopher and Tana Kenyon to place a second home on their 7-acre parcel. Property is located at 105 Apache County Road 3151 in Winchester Trails, Unit 1, Lot 2 in Vernon, parcel 106-61-002. The Planning and Zoning Commission unanimously recommended approval on March 7, 2019. Vote was unanimous.

Mr. Whiting presented item 2-C. from the consent agenda to request approval of the revised Human Resources Policy Manual Section 2.30. Mr. Shepherd asked for clarification on what changed with the policy. A discussion was held regarding the proposed revision to the policy. Mr. Simshauser stated he has issues with the policy; his recollection is it was never approved prior to today by the Board. Mr. Simshauser stated his other concern with this new policy is employees who are ordered to cross state lines will not be properly compensated with pay and retirement contributions. Mr. Simshauser asked Mr. Whiting if this policy applies for anyone working out of state under any circumstance. Mr. Whiting stated the policy applies to anyone working out of state who would be receiving compensation from the county; if the compensation comes from a 3<sup>rd</sup> party, they would still be compensated but not from Apache County. Mr. Simshauser stated the policy is vague and leaves too much in there that allows not compensating employees when they are sent to assist across state lines. Mr. Shepherd stated we have the fiscal responsibility to not burden the county finances and supports the revised policy. Mr. Simshauser stated he isn't saying we don't need a policy, he just wants a distinction between an emergency versus someone who volunteers to be part of something that causes a financial burden on the county. Mr. Shepherd stated the policy says fire personnel; if it said law enforcement, he would have a concern with the policy. **Mr. Shepherd moved to approve the revised 2.3 policy, seconded by Mr. Shirley.** Chief Deputy Brannon Eager stated there are issues with the revised policy; the only law enforcement personnel work for the elected official. Chief Eager stated the policy is still rife with some legal issues that he thinks will come forward in the future. Chief Eager stated as to a burden to the county, and every other expenditure is reimbursed. Chief Eager stated the county actually saves money in salaries when someone is sent on an assignment; all salaries ERE's, expenses, retirement and insurance are reimbursed. Motion passed 2-1 with Mr. Simshauser voting nay.

Dawn Yarosh, on behalf of the treasurer's office, requested approval of a "Certificate of Abatement of Taxes" pursuant to A.R.S. §42-1835(1). Total tax to be abated: \$37,530. Total interest to be abated: \$70,455.67. Total fees to be abated: \$2,876.51, for a total of \$109,862.48 for parcel 964-91-060. Mr. Patterson stated this is an assessment done at the state level not realizing they were charging the taxpayer for equipment that was not on the parcel and was never owed but in order to get it off the books the Board had to approve the abatement of taxes. **Mr. Shepherd moved approval seconded by Mr. Simshauser.** Vote was unanimous.

Gabriel Freeland, District II Manager, requested approval of Apache County Policy – Use of Unmanned Aircraft Systems. Mr. Shepherd stated this is a policy that was presented by District II but is more a county roads policy if other districts want to utilize the use of a drone to enhance technology by addition efficiency with road grader preparation and material placement as well as road assessments and GPS locations for center lines and culverts. Mr. Shepherd stated the drone can also be useful by other offices like the assessor and sheriff. **Mr. Shepherd moved to approve the Use of Unmanned Aircraft policy, seconded by Mr. Shirley.** Mr. Simshauser

stated we do need a policy, his concern and why he didn't second the motion is because he would like to have some more time with the policy; as of late last night, a different copy of the policy was sent out and he hasn't had time to review everything. Mr. Shepherd stated there has been discussion on what department the policy should be under risk management or the civil engineer and was determined it would be best under the civil engineer who would monitor the approvals, disapprovals and record keeping within the Engineering Department. Mr. Shepherd stated he has staff ready to go take the testing in order to obtain insurance and ability to fly the drone. Mr. Simshauser stated this will be a county policy and understands that there will be elected officials and departments using the drone and the person who oversees this has to have the authority to deal with violations and his concern is there are departments that don't fall under the engineering department that would be using it so that needs to be worked out. Mr. Shirley stated technology and policies are always developing and changes can be made, and we need something to get started. Motion passed 2-0 with Mr. Simshauser abstaining.

Mr. Patterson, on behalf of District III, requested approval of a proclamation and resolution designating April as Fair Housing Month in Apache County. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

## FAIR HOUSING PROCLAMATION

**W**HEREAS, The National Fair Housing Law of 1986, as amended by the Fair Housing Amendments Act of 1988 prohibits discrimination in housing and declares it a national policy to provide within constitutional limits, for fair housing in the United States; and

**W**HEREAS, the principle of Fair Housing is not only national law and national policy but a fundamental human concept and entitlement for all Americans; and

**W**HEREAS, April has traditionally been designated as Fair Housing Month in the United States;

**N**OW, THEREFORE, I Joe Shirley, Jr., Chairman of the Board of Apache County, do proclaim April as Fair Housing Month in Apache County and do hereby urge all citizens of this community to comply with the letter and spirit of the Fair Housing Law.

/s/ Dr. Joe Shirley, Jr.,  
Chairman of the Board

Signed this 2<sup>nd</sup> day of April, 2019.

# FAIR HOUSING RESOLUTION

2019-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY ADOPTING A FAIR HOUSING POLICY, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.

**W**HEREAS, the Housing and Community Development Act of 1974 as amended requires that all applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

**W**HEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

**W**HEREAS, fairness is the foundation of the American system and reflects traditional American values; and

**W**HEREAS, discriminatory housing practices undermine the strength and vitality of America and its people;

**N**OW, THEREFORE, BE IT RESOLVED THAT the Apache County Board of Supervisors hereby wish all persons living, working, doing business in or traveling through this County to know that:

discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of Apache County to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin;

and within available resources Apache County will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex,

handicap familial status or national origin to seek equity under existing federal and state laws to file a complaint with the Arizona Attorney General's Office or the U.S. Department of Housing and Urban Development; and

that Apache County shall publicize this Resolution and thereby encourage owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that Apache County shall undertake the following actions to additionally "affirmatively further fair housing:"

Post this Resolution in Apache County Community Buildings. make fair housing and housing discrimination information available to the citizens of Apache County.

PASSED AND ADOPTED BY THE APACHE COUNTY BOARD OF SUPERVISORS ON THIS 2<sup>nd</sup> DAY OF APRIL 2019.

*/s/ Dr. Joe Shirley, Jr.  
Chairman of the Board of Supervisors*

ATTEST:  
*/s/ Ryan N. Patterson*  
County Clerk

APPROVED AS TO FORM:  
*/s/ Michael Whiting*  
County Attorney

Mr. Patterson, on behalf of District III, requested approval of an amendment to Grant #WHFH14-211 to extend the contract period 30 days due to lack of progress for winter Weather. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson, on behalf of District III, requested approval of a professional services agreement with Yelton and Associates for grant administration related to the USDA Rural Development Grant Application. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Kerry Pena, Interim Emergency Management Director, requested approval to amend the current Cooperative Fire Rate Agreement between Apache County and the Arizona Department of Forestry and Fire Management. Mrs. Pena stated this item was tabled at the last meeting and allows reimbursement for any Red Card holders who travel outside the county. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd asked Mr. Whiting, with the passing of policy 2.3, are there any issues with this agreement? Mr. Whiting stated there needs to be a caveat under an amended motion that this is approved subject to Apache County policy and instruction to get with the Department of Forestry's legal counsel to rewrite the agreement so that section acknowledges our policy. **Mr. Shepherd amended the motion to reflect Mr. Whiting modification to the agreement Mr. Simshauser seconded the amended motion.** Vote was unanimous.



Kerry Pena, Interim Emergency Management Director, requested approval to designate Kerry Pena as the Applicant Agent for emergency reimbursement submissions to the Arizona Division of Emergency Management. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson requested approval to extend the State of Emergency declared on February 21, 2019. Mr. Patterson stated that based on some continued flooding in the Chinle area, recommended extending the state of emergency until the Next Board meeting on May 7, 2019. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd and Mrs. Pena held a discussion regarding timelines for submitting documents to the State of Arizona for reimbursement for expenses related to the state of emergency. Vote was unanimous.

Mr. Patterson requested approval of a resolution creating a Census 2020 Complete Count Committee for Apache County and appoint members to serve on the Committee. Mr. Patterson stated the county will work with the towns and communities within Apache County and will be headed up by Devin Brown. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd stated the goal for the census is to get 60% counted and he would like us to target 100% counted so he is hoping Mr. Brown obtains representatives from each district to get that compilation and reach 100% counted. Mr. Patterson stated the library districts will be utilized and Apache County will coordinate with other counties, communities and towns to strive to reach 100% counted. Vote was unanimous.

**RESOLUTION NO. 2019-06**  
**A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, CREATING A CENSUS 2020 COMPLETE COUNT COMMITTEE.**

**WHEREAS**, a decennial census of every resident is required under Article 1, Section 2 of the U.S. Constitution; and

**WHEREAS**, an accurate census is essential for the allocation of representatives with the legislative bodies of the U.S. House of Representatives, the Arizona State Legislature and within Apache County voting districts; and

**WHEREAS**, billions of dollars each year in intergovernmental funding for health, education, transportation, child and elder care, emergency preparation and response, public and social support programs of all kinds depend on complete and accurate age, population and other ethnic and demographic information gathered every ten years; and

**WHEREAS**, all units of government, large and small corporations, non-profit organizations, religious organizations and local businesses of all sizes require accurate information on population and family size and income data for investment, job development and marketing guidance and to determine the impact of educational, health and social programs; and

**WHEREAS**, individual and family information is held completely confidential by strong federal

laws supported by consistent court rulings at all levels and is never released even to other units of local, state or federal governments except in large statistical totals, or to family members after 72 years for genealogical purposes only; and

**WHEREAS**, the more informed residents are about the 2020 Census operations, the better their understanding of the census process becomes, thus increasing their willingness to be a part of the successful enumeration in 2020;

**NOW, THEREFORE, BE IT RESOLVED** that the Apache County Board of Supervisors does hereby create a Census 2020 Complete Count Committee for the purpose of planning and conducting local initiatives and promotional activities to increase community participation in the 2020 Census.

**BE IT FURTHER RESOLVED** that the Census 2020 Complete Count Committee Guidelines are as follows:

Section 1: PURPOSE:

The County of Apache is forming a Complete Count Committee

1. To increase the questionnaire mail back response rate through a focused, structured, neighbor-to-neighbor program,
2. To utilize the local knowledge, expertise, and influence of each Complete Count Committee member to design and implement a census awareness campaign targeted to the community,
3. To bring together a cross-section of community leaders whose only focus in 2020 Census awareness.

Section 2: DUTIES AND RESPONSIBILITIES:

The Complete Count Committee shall be a working committee charged with responsibility of planning and conducting local educational initiatives, as well as publicity and promotional activities to increase community participation in the Census. Activities may include, but are not limited to the following:

- Handle the creation, printing and distribution of posters, flyers, handouts, and materials for use by the media and others,
- Prepare materials for public service announcements on radio and television
- Speak at public forums and meetings, fraternal organizations, business organization, and schools for the purpose of promoting and information people of the Census,
- Create Census messages in utility bills, grocery bags, monthly billing statements, and payroll checks.
- Identify job candidates and/or distribute and display recruiting materials,
- Provide space for Be Counted sites and/or Questionnaire Assistance Centers.

Section 3: MEMBERSHIP

The Committee shall be appointed members by the Board of Supervisors. They will lead Throughout Apache County in the promotion of a 2020 Census awareness campaign and be committed to ensuring that every resident in Apache County is counted in the 2020 Census. The Committee will include representation from each of the following community groups:

- a. Cities and Towns
- b. Tribal Governments
- c. Business
- d. Religious Groups
- e. Education
- f. Community Organizations
- g. Media
- h. Minority Groups

Section 4: TERM OF SERVICE.

The Committee chairperson and committee members shall be appointed to serve for a term to continue through June 2020. For cause stated in writing, the Board of Supervisors may remove a member of the Complete Count Committee. Apache County and the local cities and towns may provide support staff as resources allow.

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of April 2019.

**ATTEST:**

/s/ Ryan N. Patterson, Clerk

/s/ Dr. Joe Shirley, Jr., Chairman

Approved as to form:

/s/ Michael Whiting  
County Attorney

Angela Romero, Election Director, requested possible action to allow the White Mountain Communities Special Health Care District to hold a vote by mail election on June 25, 2019 to reauthorize the authority to levy a secondary property tax. Mr. Whiting provided an overview related to the district's election issue. Mr. Whiting stated ultimately the decision is up to the Board of Supervisors if the election goes forward. Mr. Whiting stated Election Director Angela Romero sent out a memo to the Board outlining the circumstances and issues facing the health care district's requested election. Mr. Whiting stated the question before the Board is, should the Board allow another election to be held for the special tax district six months after the voters said no, and if the statutes allow another election if the board so chooses to approve one. Jerry Campeau, Chairman of the White Mountain Communities Health Care District requested the all-mail election be held and provided an overview of the November 2018 election, the districts history, and the circumstances that led to the district requesting the all-mail election. A discussion was held regarding the cost for the election. Mr. Campeau stated the health care district would pay for the cost of the election. Mr. Shepherd asked if legally, can the election move forward and if it didn't, or the voters don't reauthorize it by the election what

happens to the district. Mr. Whiting stated from a legal standpoint, the safe route is to allow the election to go forward and have the election, and the people can vote it down or vote for it, so legally, based on the definitions he his office has looked at, that would be the safest route. Mr. Whiting stated if the citizens vote not to reauthorize the district, he hasn't researched what the process is to dissolve the district, he can only speculate at this time. Mr. Shepherd asked what the cost would be to hold an election. Mrs. Romero stated the total cost would be reimbursed by the district. Mr. Campeau stated based on previous elections, he would estimate the cost would be about \$22,000 for an all-mail election and would be completely reimbursed by the health district if the county conducted the election. Mr. Campeau stated the legal counsel for the district has advised if the voters vote it down, the district does not go away, it just has no authority to tax so whatever funds are left would be used for emergency purposes, and when those run out there will be no more money to fund ambulances and equipment. Recorder Edison Wauneka stated he has concerns with holding the election on June 25<sup>th</sup> due to the issue of the mandatory timelines that do not allow enough time or manpower to conduct the election. Mr. Campeau stated the health district board will assist with whatever is needed. Mr. Campeau stated in order to be included in the upcoming tax cycle, the election needed to be held prior to July 1, 2019 so that if the voters approved the reauthorization of the health care district, a budget could be submitted, and taxes could be collected to fund the district. A discussion was held regarding utilizing outside firms to conduct the election. Mr. Shepherd stated the cost is not the issue, the issue is putting the county in a bind as far as following the statutes and timelines that the Board of Supervisors has to go by, and that opens us up to not abiding by certain provisions and maybe the health care district needs to amend their timeline back o make this election happen. Mr. Whiting stated if the Board did not want the election to go forward on June 25<sup>th</sup>, it could be moved to November and could ask the health care district board to call for the election again that would restart the 120-day requirement. Mrs. Romero stated the election department and the recorder's office would not be able to meet all mandatory requirements for an election to be conducted for a June 25 election and outlined those required elements needed to conduct an election. Mr. Shirley asked if the election could be conducted in November. Mr. Campeau stated Election Source, an outside vendor has indicated they could conduct the election on June 25, 2019. Mr. Campeau stated if the election is pushed to November, the budgetary cycle will be missed and cannot tax and will be out for another year and requested the election be held in in June. Mr. Shirley stated if at all possible, he would like to see the election move forward in order to help the community. **Mr. Simshauser moved to table the item with instructions for the election department to work with the health care district to find options to complete the election and re-visit this issue at a special meeting with the possibility for the health care district to meet again and restart the required 120 day call for an election.** Mr. Shepherd stated he is concerned with the liability of moving forward with an election that may bring a lawsuit if not done properly and using an outside source to conduct an election that we have never used before is a concern. Marleita Begay, County Treasurer, requested she be kept informed on the election if held in June, since it would impact the tax bills. **Mr. Shepherd seconded Mr. Simshauser's motion to table the item.** Mr. Shirley stated everyone needs to work together and see if there is a way to make the election happen and the board can meet in a special meeting if needed, to take action to move forward with the election. Vote was unanimous.

Michael Whiting, County Attorney, presented the item following a possible executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3), discussion and possible approval to authorize the Arizona Attorney General's Office to continue representing Apache County in an appeal in

the tax litigation involving Transwestern Pipeline TX2016-000931 (consolidated). Mr. Whiting stated he didn't see a need for elective session. **Mr. Shepherd moved to approve, seconded by Mr. Simshauser.** Vote was unanimous.

Brannon Eagar, Chief Deputy Sheriff, requested following a possible executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3), discussion and possible approval to authorize the Sheriff's Office to engage Michele Molinario of the law firm of Jones, Skelton & Hochuli to advise the Sheriff's Office regarding any disciplinary actions relating to Sheriff's Office employee John Scruggs. Mr. Whiting stated there was not a need for executive session unless the Board had questions. Mr. Whiting stated his office has worked with Mr. Scruggs over the past 20 years and don't want there to be any ethical issues or violations and felt it is an appropriate request and good to have outside counsel work with the sheriff's office. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson presented notification of the following meetings where two or more members of the Apache County Board of Supervisors may be in attendance.

- Eastern Arizona Counties Organization meeting on April 17, 2019 at 3:00 p.m. located at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The Small Counties Forum meeting on April 17, 2019 at 5:30 p.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The County Supervisors Association meeting on April 18, 2019 at 10:00 a.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.

There was no one wanting to address the Board during call to the public.

**Mr. Shepherd moved to adjourn, seconded by Mr. Simshauser.** Vote was unanimous.

Approved this 7<sup>th</sup> day of May, 2019.

/s/ Joe Shirley, Jr.  
Chairman of the Board

/s/ Ryan N. Patterson  
Clerk of the Board